



SDMS DocID 444218

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 25, 1998

Department of the Navy  
Northern Division  
Naval Facilities Engineering Command  
ATTN: Mr. Conrad J. Mayer (C-666 18)  
10 Industrial Highway MSC 82  
Lester, PA 19113-2090

Superfund Records Center  
SITE: NWIRP  
DATE: 11.9  
CITY: \_\_\_\_\_

Re: Federal Facility Agreement for Naval Weapons Industrial Reserve Plant National Priority List Superfund Site

Dear Mr. Mayer:

The United States Environmental Protection Agency (EPA) has identified releases or threatened releases of hazardous substances, pollutants or contaminants at the Naval Weapons Industrial Reserve Plant (NWIRP) in Bedford, Massachusetts which has been listed as a National Priority List (NPL) site. NWIRP is a Federal facility which is owned and operated by the U.S. Department of the Navy (Navy). Therefore, pursuant to Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Navy is ultimately responsible for addressing releases or threatened releases of hazardous substances, pollutants or contaminants at or from the NWIRP NPL site (Site).

This letter serves to notify the Navy that EPA is prepared to negotiate a Federal Facility Agreement (FFA) to formally establish that the Navy will investigate and control the releases or threatened releases of hazardous substances, pollutants or contaminants at or from the Site pursuant to CERCLA. While the Navy is responsible for addressing the releases or threatened releases pursuant to CERCLA, EPA intends to oversee and evaluate the Remedial Investigation/Feasibility Study (RI/FS) phases, as part of the CERCLA remedy selection process, and the Remedial Design and Remedial Action phases of the response action at the Site. The FFA (see EPA draft enclosed) will be developed under Section 120 of CERCLA and will reflect the commitment of the Navy to conduct and complete the RI/FS and any remedial action needed at the Site in accordance with CERCLA, as amended, the National Contingency Plan (NCP) and appropriate EPA guidance.

EPA has determined that establishing a pre-defined period of time for negotiation of an FFA will facilitate its development with the Navy and will ultimately serve to expedite remedial actions at

the Site. Therefore, this letter serves as "special notice" pursuant to Section 106 of CERCLA, as amended, of EPA's intention to conduct negotiations with the Navy and the State of Maine for development of an EFA. The Commonwealth of Massachusetts has informed EPA that it does not wish to enter into EFA negotiations for the Site at this time.

By this special notice, EPA hereby establishes a ninety (90) day period for negotiation of the EFA. If at the end of the ninety (90) day period an EFA is not successfully negotiated between EPA and the Navy, EPA may, where appropriate, extend the negotiation period for an additional thirty (30) days. If, at the end of the ninety (90) day period or the one-hundred and twenty (120) day period, where extended by EPA, an EFA is not successfully negotiated, EPA may issue an order to the Navy pursuant to Section 106 of CERCLA, with the concurrence of the Department of Justice, for the conduct of the required work.

In response to this special notice, please provide EPA with a letter indicating:

- the address and telephone number of the Navy's official for EPA to utilize as a point of contact; and
- a statement of the Navy's willingness to negotiate an EFA for the Site.

Should such a letter not be received by EPA within fourteen (14) days of your receipt of this letter, or should the negotiation deadline pass without successful negotiation of an EFA, EPA will consider the period of negotiations closed. EPA will then have the option of issuing an order under Section 106 of CERCLA, proceeding under other statutory authority, or proceeding with any appropriate off-Site response using Superfund monies.


If you are already involved in discussions with the State or local authorities, engaged in voluntary action, or involved in a lawsuit regarding this Site, you should not interpret this letter to advise or direct you to restrict or discontinue any such activities. Please provide a copy of your response letter to any other party involved in those discussions. You should also be aware that EPA will not delete the Site from the NPL until all necessary remedial work has been concluded in accordance with CERCLA and the NCP.

Your letter to EPA should be addressed to:

Ms. Patty Marajh-Whittemore  
Remedial Project Manager  
Office of Site Remediation and Restoration  
U.S. Environmental Protection Agency  
JFK Federal Building  
Mail Code: HBT  
Boston, MA 02203

If you have any questions, please contact Patty Vianello-Wentmore, Remedial Project Manager, at (617) 223-5582. Legal questions should be addressed to Betsy Mason, Assistant Regional Counsel, at (617) 565-9028.

Sincerely,



Patricia L. Meany, Director  
Office of Site Remediation and Restoration

Enclosure

cc: See Attached List

file: NWIRP11A notice 001

List of Recipients

Captain Logarty  
Commanding Officer  
Department of the Navy  
Northern Division  
Naval Facilities Engineering Command  
10 Industrial Highway MSC 82  
Lester, PA 19113-2090

Naval Sea Systems Command  
ATTN: Mr. Stephen G. Hoffman (Code 0421)  
CP-5 Room 606  
2531 Jefferson Davis Highway  
Arlington, VA 22242-5160

Naval Sea Systems Command  
ATTN: Mr. Steve Wenderoth (Code 001)  
2531 Jefferson Davis Highway  
Arlington, VA 22242-5160

Mr. Mark Krivansky  
Department of the Navy  
Northern Division  
Naval Facilities Engineering Command  
10 Industrial Highway MSC 82  
Lester, PA 19113-2090

Navy/DOD Region Environmental Northeast  
COMSUBGRU TWO/Northeast Region Bldg. 439 Room 107  
Naval Submarine Base New London  
ATTN: Mr. Robert Jones  
Groton, CT 06349-5100

Chief of Naval Operations (N45)  
Crystal Plaza 5  
ATTN: Mr. Dave Olson  
2211 South Clark Place  
Arlington, VA 22244-5108

Department of the Navy  
Office of the Assistant Secretary of the Navy (Installation & Environment)  
ATTN: Mr. Paul Yaroschak  
1000 Navy -- Pentagon  
Washington, DC 20350-1000



David Maravice  
Massachusetts Department of Environmental Protection  
Federal Facilities  
Bureau of Waste Site Cleanup  
7<sup>th</sup> Floor, One Winter Street  
Boston, MA 02108

William Frank  
Site Remediation and Enforcement Staff  
Federal Facilities Enforcement Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Mail Code: 2261A  
Room: 3228  
Washington, DC 20004

Donald Berger  
Branch Chief  
Remediation and Restoration II  
U.S. Environmental Protection Agency  
JFK Federal Building  
Mail Code: HBT  
Boston, MA 02203

Mary Sanderson  
Section Chief  
Federal Facilities Superfund Section  
Office of Site Remediation and Restoration  
U.S. Environmental Protection Agency  
JFK Federal Building  
Mail Code: HBT  
Boston, MA 02203

Patty Marajh-Whittemore  
Remedial Project Manager  
Office of Site Remediation and Restoration  
U.S. Environmental Protection Agency  
JFK Federal Building  
Mail Code: HBT  
Boston, MA 02203

Elizabeth E. Mason  
Assistant Regional Counsel  
Office of Regional Counsel

U.S. Environmental Protection Agency  
JFK Federal Building  
Main Code: R0A  
Boston, MA 02203